

REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1, 3, 5-19, and 22-28 are pending in this application with claims 1, 13, and 18 being the non-withdrawn independent claims, and with claims 5, 7-12, 15-17 and 22-25 being withdrawn. The Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections and objections, and reconsider the withdrawn status of claims 5, 7-12, and 15-17 based on these amendments.

Allowable Subject Matter

The Applicant appreciates the Examiner's indication of allowable subject matter in claims 4, 6, 13, 14, 21 and 26.

Claim Rejections

Claims 1, 3, 18 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,891,136 to McGee et al. ("McGee"), and also U.S. Patent No. 6,041,260 to Stern et al. ("Stern").

Claim 1 and its Dependent Claims

Claim 1 has been amended to recite "the balloon having a first layer" and "at least a portion of the balloon including a second layer and a third layer, the second layer being formed at least in part of an insulation material, the third layer being formed at least in part of a conductive material." The Examiner asserts that the intended use of the apparatus as previously claimed in claim 1 fails to patentably define over the devices disclosed in the cited references. The Applicants respectfully disagree with this assertion, but have amended claim 1 to advance prosecution of this application and reserve the right to pursue the unamended subject matter in a continuation application.

Claim 1 has been amended to include subject matter similar to what was previously recited in claim 4, which was indicated by the Examiner as allowable. Neither McGee or Stern disclose or suggest a balloon having a first layer formed at least in part

of a conductive material, at least a portion of the balloon having a second layer and a third layer, the second layer formed at least in part of an insulation material and the third layer formed at least in part of a conductive material as recited claim 1.

Accordingly, at least for this reason, the Applicants respectfully submit that claim 1 is allowable. Based at least upon their dependence from claim 1, claims 3, 6 and 27 are also allowable, as are the withdrawn claims 5 and 7-12 that depend from claim 1.

Claim 18 and its Dependent Claims

Claim 18 has been amended to include the subject matter of claim 21, which was indicated by the Examiner to be allowable subject matter. Accordingly, at least for this reason, the Applicants respectfully submit that claim 18 is allowable. Based at least upon their dependence from claim 18, claims 19 and 28 are also allowable, as is the withdrawn claim 22, which depends from claim 18.

CONCLUSION

All of the stated grounds of rejection and objection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections, and that they be withdrawn. The Applicants further request that the Examiner reconsider the withdraw claims, that depend from allowable independent claims. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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